

APPEAL NO. 032392
FILED OCTOBER 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 7, 2003. With regard to the sole disputed issue before her, the hearing officer determined that the respondent (claimant) had disability resulting from an injury sustained on _____, from March 6 through May 4, 2003. The appellant (carrier) appeals and argues that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be manifestly wrong or unjust. The claimant did not respond.

DECISION

Affirmed as reformed.

We note that at the commencement of the hearing on this matter, the parties stipulated that the claimant sustained a compensable left hand injury on _____. This is consistent with the hearing officer's Statement of the Evidence. However, Conclusion of Law No. 4 states that the claimant sustained a compensable *low back injury* on _____. (emphasis added.) In light of the above-mentioned stipulation entered into by the parties and the hearing officer's discussion of the evidence presented, we conclude that Conclusion of Law No. 4 contains a mere clerical error. We therefore reform Conclusion of Law No. 4 to state that on _____, the claimant sustained a compensable left hand injury.

The hearing officer did not err in determining that the claimant had disability as a result of the compensable injury from March 6 through May 4, 2003. This determination involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer as reformed herein.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge